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Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2653

PATENT
ATTORNEY DOCKET NO.: 041514-5081

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Yoshimi TOMITA)	Confirmation No.: 4863
)	
Application No.: 09/584,783)	Group Art Unit: 2653
)	
Filed: June 1, 2000)	Examiner: K. Le
)	
For: OPTICAL DISC RECORDING METHOD)	ATTN.: Mail Stop AF
AND APPARATUS, OPTICAL DISC,)	
AND OPTICAL DISC REPRODUCING)	
APPARATUS)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, **MAIL STOP AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated August 27, 2004 (Paper No. 12) finally rejecting claims 1-11. Applicant filed an Amendment Under 37 C.F.R. §1.116 on December 27, 2004, and to date no correspondence has been issued in response to this December 27, 2004 Amendment.

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01 FC:1253 900.00 DA

03/02/2005 SSITHIB1 00000005 09584783
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03/02/2005 SSITHIB1 00000005 09584783
02 FC:1401 500.00 DA

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant requests an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

☒ An extension for one month has already been secured on December 27, 2004 and the fee paid therefor of \$120.00 is deducted from the total fee due for the total three months of extension now requested. Accordingly, the extension of time fee due with this request is: **\$ 900.00** ($1020.00 - 120.00 = 900.00$).

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee

☒ As indicated in the "Fee Payment" section below, the Commissioner is authorized to charge the appeal fee of **\$500.00** to Deposit Account No. 50-0310.

3. Fee Payment

☒ The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of **\$1,400.00** representing \$500 for the Notice of Appeal fee and \$900 for the difference between the three-month extension of time fee of \$1020 and the one-month extension of time fee of \$120 already paid in this application on December 27, 2004.



5. Constructive Petition

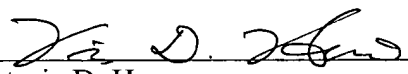
☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 28, 2005

By:


Victoria D. Hao
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